



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature  
Second Regular Session

House: JUD DP 9-0-0-1

## **HB 2696: mandatory sentences; children; trafficking; smuggling**

**Sponsor: Representative Biasiucci, LD 5**

**House Engrossed**

### **Overview**

Specifies mandatory sentencing guidelines for a person convicted of a dangerous crime against children in the first degree involving continuous sexual abuse of a child. Modifies release requirements of individuals convicted of specific sexual offenses. Increases the penalty of *smuggling of human beings for profit or commercial purposes* from a class 4 felony to a class 3 felony.

### **History**

A person commits *continuous sexual abuse of a child* if the person, over a period of three months or more, engages in three or more acts involving [sexual conduct with a minor](#), [sexual assault of a minor](#) under the age of 15 or [molestation of a child](#) under the age of 15. *Continuous sexual abuse of a child* is a class 2 felony ([A.R.S. § 13-1417](#)).

*Smuggling of human beings* means the transportation by a person or entity that has reason to know that the person transported is not a United States citizen or otherwise lawfully in the state or has attempted to enter or remain in the United States in violation of the law. The *smuggling of human beings for profit or commercial purposes* is a class 4 felony ([A.R.S. § 13-2319](#)).

### **Provisions**

1. Prescribes mandatory sentencing guidelines for a person convicted of a dangerous crime against children in the first degree involving continuous sexual abuse of a child. (Sec. 1)
2. Specifies that a person convicted of the following offenses is not eligible for suspension of sentence, probation or any form of release, unless specifically authorized by statute, until the sentence imposed by the court has been served or commuted:
  - a) Continuous sexual abuse of a child; (Sec. 1)
  - b) Knowingly trafficking another person for forced labor or services; (Sec. 2)
  - c) Sexual extortion; (Sec. 2)
  - d) Causing a spouse to become a prostitute; (Sec. 6)
  - e) Knowingly detaining a person in a house of prostitution because of debt; (Sec. 7)
  - f) Luring a minor for sexual exploitation; (Sec. 8)
  - g) Aggravated luring of a minor for sexual exploitation; (Sec. 9) and
  - h) Unlawful sale or purchase of children; (Sec. 10)
3. Modifies the description of the offense of smuggling of humans as *it is unlawful for a person to intentionally engage in the smuggling of human beings*. (Sec. 4)
4. Increases the penalty of *smuggling of human beings for profit or commercial purposes* from a class 4 felony to a class 3 felony. (Sec. 4)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note

5. Changes the name of *participating in a human smuggling organization* to *participating in a human smuggling organization or operation*. (Sec. 5)
6. Expands the definition of *participating in a human smuggling organization or operation* to include *knowingly guiding or assisting in transporting by a person who has reason to know the person being transported is not a citizen and is attempting to illegally enter or remain in the United States*. (Sec. 5)
7. Makes technical and conforming changes. (Sec. 1-13)